

## **Remarks**

### **1.) Claim Amendments**

The Applicant has amended claims 46 and 54; claim 67 has been added. Applicant respectfully submits no new matter has been added. Accordingly, claims 46-63 and 67 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 112**

Claims 46-63 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Claims 46 and 54 have been amended to address the rejection under 35 U.S.C. § 112, second paragraph. Withdrawal of the rejection is respectfully requested.

### **3.) Claim Rejections – 35 U.S.C. § 103 (a)**

#### **A. Claims 46-62**

Claims 46-62, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gruse et al. (US. 6,389,538 B1) ("Gruse"), in view of Futamura et al. (US. 2002/0026582 A1) ("Futamura"), and in further view of Archibald et al. (US.5,825,883 A) ("Archibald"). Applicant respectfully disagrees.

Gruse discloses a system for tracking usage of digital content on user devices. Electronic stores coupled to a network sell licenses to play digital content data to users. Content players, which receive from the network the licensed content data, are used to play the licensed content data. Additionally, a logging site that is coupled to the network tracks the playing of the content data. In particular, the logging site receives play information from the network, and the play information includes the number of times that the content data has been played by the associated content player. Also provided is a method for tracking usage of digital content on user devices. According to the method, a license to play digital content data is sold to a user, and the licensed content data is transmitted to a content player for the user.; Further, information is transmitted to a logging site whenever the content data is played by the content player or copied from

the content player to an external medium so that usage of the licensed content data can be tracked. (Gruse, Abstract)

Futamura discloses an entity which executes person authentication such as a service provider (SP) and a user device (UC) receives a request for person authentication from an entity which requests person authentication. The entity which requests person authentication can vary in form. The entity which executes person authentication decrypts the template by using a person identification certificate that can be owned by the entity which executes person authentication or provided from the outside, compares the template with sampling information input by a user and notifies the entity which requests person authentication of the result of comparison.; The data for person identification is provided as encrypted information that can be decrypted only by the entity which executes person authentication, thereby performing safe authentication in various locations or devices, while preventing the template information from leaking out. (Futamura, Abstract)

Archibald discloses compensating a publisher for each use of its digital application instead of a lump sum purchase price. This is done by embedding a tariff file within the digital application where a digital application may be a software application, a video file, a text file, and/or an image file. The embedded tariff file, which includes a digital application identification code and a publisher identification code, is used by a meter module to generate accounting information. The accounting message is routed to a collection agency which, in turn, generates debiting information for the user and crediting information for the publishers of the digital application. (Archibald, Abstract)

The Examiner's attention is directed to the fact that the combination of Gruse, Futamura, and Archibald fails to teach, disclose, or suggest "performing a security operation to cryptographically link said logged usage information with a particular user account or identity", as recited by independent claims 46 and 54.

Gruse discloses signing of a SC. (Gruse, col. 26, lines 20-22) Futamura discloses a content usage charge payment process. (Futamura, ¶ [0459]) Archibald discloses a method for debiting a user credit account. (Archibald, FIG. 14) However, neither reference alone, or in combination teaches "performing a security operation to

cryptographically link said logged usage information with a particular user account or identity", as recited by Applicant's claims.

In view of the above arguments, independent claims 46 and 54 are patentable over the cited references. Claims 47-53 are patentable at least by virtue of depending from their respective base claim.

B. Claim 63

Claim 63, stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse/Futamura/Archibald, and in further view of Official Notice. Applicant respectfully disagrees.

The Applicant respectfully traverses the Examiner's use of Official Notice. The Applicant respectfully requests that the Examiner provide a reference disclosing that usage information is stored in a subscriber identity module.

C. 35 U.S.C. 112, 6<sup>th</sup> paragraph

The Applicant traverses the Examiner's requirement that Applicant state on the record whether or not Applicant wishes to "invoke" 35 U.S.C. 112, 6<sup>th</sup> paragraph. It is Applicant's position that the Examiner may not place the burden of choosing whether to apply 35 U.S.C. 112, 6<sup>th</sup> paragraph on the Applicant. Withdrawal of this requirement by the Examiner is respectfully requested.

D. New Claim 67

Support for new claim 67 can be found at least at ¶ [0107] of Applicant's published Specification. (US 2005-0246282 A1) Accordingly Applicant submits that no new matter has been added.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending Claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Thomas Bethea, Jr.  
Registration No. 53,987

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Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-4859  
Thomas.bethea.jr@ericsson.com